

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
RLI INSURANCE COMPANY,

Plaintiff,

-against-

JDJ MARINE, INC.,

Defendant.
-----X

**NOTICE OF MOTION
TO WITHDRAW AS
ATTORNEYS**

Index No. 07 Cv 9546
(GBD)

PLEASE TAKE NOTICE, that upon the annexed affirmation of ROBERT A. SOLOMON, duly affirmed on June 5, 2008, and upon all of the pleadings and prior proceedings had herein, the undersigned will move this District Court for the Southern District of New York at the United States Courthouse located at 500 Pearl Street, New York, New York 10007, on the 26 day of June, 2008 at 10:00 o'clock in the forenoon for an Order granting Solomon & Associates, P.C. the right to withdraw as attorneys for defendant, JDJ Marine, Inc. and for such other and further relief as this Court deems just and proper.

Dated: Staten Island, New York
June 5, 2008

Yours, etc.

SOLOMON & ASSOCIATES, P.C.

By: _____

ROBERT A. SOLOMON (RS 2895)
Attorneys for Defendant
JDJ MARINE, INC.
3309 Richmond Avenue
Staten Island, New York 10312
(718) 984-2626

Our File No. N070926-T950

TO: JDJ Marine, Inc.
113 Palisades Avenue
Emerson, NJ 07630

John A.V. Nicoletti, Esq.
Nicoletti, Hornig & Sweeney
Attorneys for Defendant(s)
RLI INSURANCE COMPANY
88 Pine Street, 7th Floor
New York, New York 10005

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RLI INSURANCE COMPANY,

Plaintiff,

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**AFFIRMATION IN
SUPPORT OF NOTICE
OF MOTION TO
WITHDRAW AS
ATTORNEYS**

Index No. 07 Cv 9546 (GBD)

ROBERT A. SOLOMON, an attorney admitted to practice before the United States District Court for the Southern District of New York affirms the truth of the following under the penalty of perjury:

1. I am a member of SOLOMON & ASSOCIATES, P.C., attorneys for defendant, JDJ Marine, Inc. in the above entitled action and as such I am fully familiar with the facts and circumstances of this action based upon a review of the case file and the investigation materials contained therein.

2. This affirmation is submitted in connection with SOLOMON & ASSOCIATES, P.C.'S application seeking to withdraw as counsel for defendant, JDJ Marine, Inc.

3. This a declaratory judgment action brought by plaintiff, RLI Insurance Comapny (hereinafter RLI) to determine its obligation to defendant, JDJ Marine, Inc. (hereinafter JDJ) pursuant to an insurance policy issued by plaintiff, RLI, to defendant, JDJ.

4. The action was commenced by the filing of a Complaint on October 25, 2007.

5. Issue was joined on January 3, 2008 by the filing of an Answer.

6. Thereafter, extensive discovery was undertaken, including preparation of Interrogatories, Demand for Production of Documents, Answers to Interrogatories,

Response to Notice to Produce, Response to Demand for Admissions, subpoenaed deposition have been conducted of four (4) non-party witnesses.

7. There are at least seven (7) more depositions which need to be conducted of both party and non-party witnesses.

8. During the month of May 2007 affiant had several telephone conversation with David Sommerhalter, the president of defendant, JDJ, concerning the need for JDJ to cooperate with our office. The substance of those conversation are protected by the doctrine of Attorney-Client Privelege. Affiant is willing to disclose the substance of those conversation with the court *in camera*.

9. Due to the lack of coopeation from JDJ, it is impossible for Solomon & Associates, P.C. to continue to represent JDJ's interest in the above entitled matter.

10. No prior request for the relief requested herein has heretofore been made.

WHEREFORE, the undersigned respectfully requests that this most Honorable Court grant Solomon & Associates, P.C.'s motion to withdraw as counsel for defendant, JDJ, together with such other and further relief as it deems just and proper.

Dated: Staten Island, New York
June 5, 2008

ROBERT A. SOLOMON (RS-2895)